



# **Town of Groton, Connecticut**

## **Meeting Agenda**

45 Fort Hill Road  
Groton, CT 06340-4394  
Town Clerk (860)441-6640  
Town Manager (860)441-6630

### **Representative Town Meeting**

**Representatives Jeffrey Armstrong, Joseph Baril, Lori Bartinik, Genevieve Cerf, Wayne Chiapperini, Michael Collins, Joseph delaCruz, Luanne DeMatto, Debra Dickey, Susan Dowling, Shirley Dunbar-Rose, George Edwards Jr, Suzanne Elliot, Robert Garcia, Patrice Granatosky, Dolores Harrell, Barbara Hoelck, David Miner, Nancy Mitchell, Deborah Monteiro, Matt Morton, Scott Newsome, Nora Patterson, Darcy Peruzzotti, Kevin Power, Don Pratt, Rita Schmidt,, Jennifer Smuts, Eleanor Steere, Fritz Stein, Joan Steinfeld, Irma Streeter, Mark Svencer, George Swift, Patricia Thunberg, Tom Vivirito, Robert Walker Sr, John Waller and Elizabeth Weil.**

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**Wednesday, October 13, 2004**

**7:30 PM**

**Senior Center**

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### **Regular Meeting**

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- A. ROLL CALL**
- B. MOMENT OF SILENCE AND SALUTE TO THE FLAG**
- C. APPROVAL OF MINUTES OF AUGUST 11, 2004**
- D. CITIZENS' PETITIONS**
- E. RECEPTION OF COMMUNICATIONS**
  - Report of RTM Leadership on FY2006 Budget Recommendations will be distributed.**
- F. REPORT OF THE TOWN MANAGER:**
  - 1. Financial report**
  - 2. Monthly briefing**
- G. LIAISON REPORTS**
  - 1. Town Council - Rep. Cerf**
  - 2. Economic Development Commission - Rep. Schmidt**
  - 3. Town Council/Board of Education Liaison Committee - Rep. Patterson**
  - 4. Permanent School Building Committee - Rep. Miner**
  - 5. P.B.F.D. Consolidation Review Committee - Reps. Steinfeld & Svencer**
- H. COMMITTEE REPORTS**
  - 1. FINANCE**
    - a. Chairman's notes of the business of the Town - Chairman Schmidt**
  - 2. COMMUNITY & ECONOMIC DEVELOPMENT**
    - a. Chairman's notes of the business of the Town - Chairman Dickey**

**2003-0306 Ordinance for Adoption of Property Maintenance Code -  
Fort Hill Homes Area NRZ**

**RESOLUTION APPROVING AN ORDINANCE FOR ADOPTION OF THE INTERNATIONAL**

PROPERTY MAINTENANCE CODE 2000 FOR THE FORT HILL HOMES NEIGHBORHOOD REVITALIZATION ZONE

WHEREAS, the Town Council Committee of the Whole has extensively considered a request from neighborhood residents for adoption of a specific property maintenance code, including holding a public hearing in December, 2003, and

WHEREAS, the Town Council has received a petition and citizen statements in opposition to the proposed code and has considered those concerns as expressed, and

WHEREAS, the Town Council deems that the adoption of the property maintenance code will benefit the neighborhood by encouraging and assisting in better practices without causing unfair hardships, and

WHEREAS, the Town Council desires that the detailed implementation of the property maintenance code should be monitored closely and that the NRZ Committee should be encouraged to report back periodically as to its views on the operation of the Code, now therefore be it

RESOLVED, that the Town Council approves the Ordinance for Adoption of International Property Maintenance Code 2000 for Fort Hill Homes Area Neighborhood Revitalization Zone, as follows:

ORDINANCE FOR ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE 2000 FOR FORT HILL HOMES AREA NEIGHBORHOOD REVITALIZATION ZONE

Be it ordained by the Town Council of the Town of Groton:

Section 1. Purpose and Title

An ordinance establishing the minimum regulations governing the conditions and maintenance of all property, buildings and structures within the boundaries of the Fort Hill Neighborhood Revitalization Zone as described and defined by Groton Ordinance Section 9-217; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use; the demolition of such structures; known as the Property Maintenance Code 2000 for the Fort Hill Neighborhood Revitalization Zone.

Section 2. Legislative Findings of Fact

(a) It is hereby found that through the efforts of property owners and residents of the area of the Town of Groton known as the Fort Hill Neighborhood Revitalization Zone and of various Town of Groton officials and agencies, the condition of many of the residential structures and properties within said Neighborhood Revitalization Zone has been markedly improved since the creation of the Neighborhood Revitalization Zone Committee. But it is also hereby found that despite such efforts, the condition of many residential structures and properties within said Neighborhood Revitalization Zone remains substandard and that such conditions adversely affect public health and safety and lead to the continuation, extension and aggravation of deterioration within said Neighborhood Revitalization Zone.

(b) It is further hereby found that adequate protection of the public health, safety and welfare of the residents of said Neighborhood Revitalization Zone and of all other residents of the Town of Groton therefore requires the establishment and enforcement of certain minimum property maintenance standards to be applied within said Neighborhood Revitalization Zone.

(c) It is further hereby found that the deteriorated and blighted structures and properties continue to exist within said Neighborhood Revitalization Zone to an extent and a degree not found in other areas of the Town of Groton.

(d) It is thereby further found that the enactment and enforcement of a Property Maintenance Code to be applied only within the boundaries of the Fort Hill Neighborhood Revitalization Zone is essential to the continuation and completion of the rehabilitation and restoration of the structures and properties within the zone and to the continued and increasing well being of its residents.

Section 3. Pursuant to authority granted the Town by the Connecticut General Statutes, including

without limitation by Connecticut General Statutes 7-148 (c )(7)(H)(xv), a certain document, copies of which are on file in the office of the Town Clerk of the Town of Groton, being marked and designated as the International Property Maintenance Code 2000 as published by the International Code Council, Inc., be and is hereby adopted as the Property Maintenance Code of the Fort Hill Homes Neighborhood Revitalization Zone for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 4 of this ordinance.

Section 4. The following sections are hereby revised:

Section 101.1. Insert: Town of Groton Fort Hill Homes Area - Neighborhood Revitalization Zone (NRZ)

Section 103.0. Insert: Whenever Department of Property Maintenance Inspection is used in the Property Maintenance Code and in the ordinance, the Office of Planning and Development Services, Inspection Services, shall be inserted. All references to Code Official shall also apply to other designated inspectors as shall be necessary for administration of this code, and as authorized by the appointing authority.

Section 103.6. Delete

Section 106.1. Delete existing and change to:

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, let to another or occupy or permit another person to occupy any premises, property, structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted under the provisions of this code.

Section 106.3 Delete existing and change to:

In case of any unlawful acts, the code official shall institute an appropriate action or proceeding at law to exact the penalty provided in Section 106.4. The code official shall ask the jurisdiction's legal representative to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person:

1. To restrain, correct or remove the violation or refrain from any further execution of work;
2. To restrain or correct the erection, installation, maintenance, repair or alteration of such structure;
3. To require the removal of work in violation; or
4. To prevent the occupancy of the structure that is not in compliance with the provisions of this code.

Section 106.4. Delete existing and change to:

Violation of Penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws, and the fine will be up to \$90. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

110.1 Correct spelling: insanitary to unsanitary.

Section 111.2 Change: Minimum of three (3) members to five (5) members.

Section 302.8 Delete: the second sentence in the first (1st) paragraph: "Painting of vehicles is prohibited unless conducted inside an approved spray booth".

Delete: "Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes."

Replace deleted exception with the following:

Exception: A vehicle is permitted to undergo repairs, excluding body work, provided that such work is performed inside a structure approved for such purposes. And provided further that such vehicle is owned by the occupant of the premises. The spray painting of vehicles of any kind is not permitted anywhere on the premises unless approved and licensed by the State of Connecticut for such purposes.

Section 303.5 Add: and skirting, "after all foundation walls".

Section 303.14. Insert: May 1st and October 15th.

Delete a portion of the 1st sentence: "and every swinging door shall have a self-closing device in good working condition".

Section 305.3.1 Add: Except when the dwelling is rented or leased, then the tenant/occupant shall be responsible for the provision of an approved leakproof covered outside garbage container(s).

Section 402.4 New Addition: Lighting. All residential occupancy shall have available lighting at all means of egress, including outside stairways to the dwelling.

Section 602.3. Delete: "during the period from [DATE] to [DATE]".

Section 602.4. Delete: "during the period from [DATE] to [DATE]".

Section 702.2. Add: Change International Fire Code to State of Connecticut Fire Code.

Section 5. That Ordinance Number \_\_\_\_ of the Town of Groton entitled International Property Maintenance Code 2000 for the Fort Hill Homes Neighborhood Revitalization Zone is adopted, and if any other ordinance or parts of ordinances are in conflict herewith, the more restrictive provision shall apply.

Section 6. That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 4 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 7. That the Town Clerk shall certify to the adoption of this ordinance, and cause the same to be published as required by law; and this ordinance shall take effect and be in force from and after its approval as required by law.

Refer to RTM.

**Motion to Veto is the only appropriate action.**

#### Legislative History

12/2/03	Town Council	Heard at Public Hearing	
12/16/03	Town Council Committee of the Whole	Tabled	
9/14/04	Town Council Committee of the Whole	Recommended for a Resolution	
9/21/04	Town Council	Adopted and referred under Rule 6.5.3	Representative Town Meeting
9/21/04	Town Council	Adopted and referred under Rule 6.5.3	Representative Town Meeting

*Councilor Sheets said she can not support this resolution. She respects the effort that has gone into improving the quality of life in the Fort Hill Homes neighborhood. As an attorney and someone who has studied government for years, she feels the code is not in compliance with the definition of "blight". The ordinance is defined by the term "blighted" homes. Her own two-hour investigation of Fort Hill Homes did not convince her that the housing is substandard in that neighborhood. She was impressed by most of the properties. She feels the evidence of the photos tonight was mixed. She supports community policing, trash pick-up, and the Community Development Program. These things can all be done without the ordinance in place.*

*Councilor Skrmetti requested the Town Manager give the Town Council an annual status report on the neighborhood ordinance should it pass.*

*Councilor Wright noted that in her travels through the Fort Hill Homes neighborhood, she has noticed that the condition has vastly improved over the last decade. She agrees with Councilor Sheets in reference to the definition of "blight". Without a definition of housing "blight" in the ordinance and/or a broad factual finding of blight in the neighborhood, she questions the authority of the enactment of a specific code that is not Town wide.*

*Councilor Kolnaski supports the ordinance. She feels the NRZ Committee has worked very hard to improve*

*their neighborhood. The Town Council can receive updates on how the ordinance is doing if passed. She feels the Council should support what the majority of Fort Hill Homes residents want and that is to improve their neighborhood. She noted Councilor O'Beirne also supports this ordinance.*

*Councilor Billing noted that the Town Attorney's opinion is that the ordinance can be supported "as is". The word "blight" can be deleted and the ordinance still adopted. She feels this should be looked at as a "pilot" program and see in time what needs adjusting in the language of the ordinance. She believes the ordinance is a very positive one that can address problems that exist in the Fort Hill Homes that are different than in other parts of Town.*

9/23/04 Representative Town Meeting Referred  
Referred under Rule 6.5.3.

RTM Community & Economic Development

### **3. EDUCATION**

- a. Chairman's notes of the business of the Town - Chairman Newsome**

### **4. HEALTH & SOCIAL SERVICES**

- a. Chairman's notes of the business of the Town - Chairman DeMatto**

### **5. RECREATION**

- a. Chairman's notes of the business of the Town - Chairman delaCruz**

### **6. PUBLIC SAFETY**

- a. Chairman's notes of the business of the Town - Chairman Vivirito**

### **7. PUBLIC WORKS**

- a. Chairman's notes of the business of the Town - Chairman Collins**

### **8. RULES & PROCEDURES**

- a. Chairman's notes of the business of the Town - Chairman Weil**

## **I. OTHER BUSINESS**

**Budget Discussion with the Town Council**

## **J. ADJOURNMENT**